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NATIONAL ASSOCIATION OF
ATTORNEY GENERALS

MEETING

)
) TRANSCRIPT OF
) EXCERPT OF
) PROCEEDINGS

February 25, 2014

Job No. CS1960542

Veritext Corporate Services

800-567-8658

973-410-4040

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1 A P P E A R A N C E S :

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3 JIM HOOD

4 JON BRUNING

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1 P R O C E E D I N G S

2 (DISCLAIMER: Poor audio, parties too far away
3 from recording device and background noise;
4 "indiscernibles" noted)

5 MR. HOOD: -- know the Chamber of
6 Commerce had kind of gotten that together and
7 they reached an agreement, you know, in our
8 meeting. Of course, you know, they were going to
9 work together and they went off over in a -- I
10 think they (indiscernible) White House or
11 something. So we didn't get credit for it which
12 we wouldn't -- didn't care about it.

13 You know, but the got the deal done.
14 And the banks worked with the (indiscernible).
15 So we began to try to work with some of the
16 search units.

17 Jon, good to have you back. JB's
18 insulted me twice while you've been gone so --

19 (Laughter)

20 UNIDENTIFIED SPEAKER: Which took a lot
21 of restraint to keep it to that number.

22 (Laughter)

23 MR. HOOD: But, anyway, then we began
24 to start working with the search engines and
25 trying to figure out, you know, how we can kind

1 of stop the flow of some counterfeit items. It's
2 not just counterfeit items. I mean, it's -- it's
3 human trafficking. You get on a search engine
4 and you look for prostitute, you find those kind
5 of things. Kids are doing this, you know.
6 They're looking at this stuff. You know, they've
7 got to how to videos on how to murder and how to
8 rape, how you kill your wife, how you get away
9 with it.

10 And they -- like the sale of drugs. I
11 mean, our investigators purchased drugs online
12 from a Google advertiser. We got them lab
13 tested. We're talking about counterfeit -- we're
14 talking about pain killers. You know, some of
15 them were counterfeit, some not.

16 So we've had several meetings over
17 about two and a half years with Google because
18 they're the primary. You know, I know for our
19 meeting in Boston and Yahoo, I think, which uses
20 Bay -- is powered by Baine (sic) if I'm right
21 about that.

22 But I remember calling one of their
23 people and saying, look, you know, you've got a
24 query on here that says, you know, buy
25 prescription drugs without a prescription. And I

1 said, you know, then it goes to a site where you
2 can actually buy them. It's not just a -- you
3 know, something that's trying to take your money
4 or take a joke or whatever. And that was on
5 Friday. By Monday, they got it -- they stopped
6 that auto-complete feature.

7 So we're not just, you know, picking on
8 -- on one particular company. But Google on auto
9 some days you have an 80 percent market, some
10 days you got 60 percent on the desktop, you know,
11 queries. So -- (indiscernible) inquiries.

12 So we -- we have tried to work with
13 them. We've written a series of letters. We had
14 a meeting this week and this is where I kind of
15 want to just lay the foundation for the -- where
16 -- where we're in a disagreement. And, Jon, I'm
17 going to ask you to jump in.

18 My position is that they should delist
19 some of these sites that they know are bad sites.
20 And delisting is you take it off. You can't find
21 it. Demotion is you just push it down so far
22 where people can't find it.

23 Well, a while back (indiscernible) use
24 it. Then the first site you can see was
25 something called MP3skull. That's just one that

1 we know about. And it's not a (indiscernible).
2 It's not about music (indiscernible) software.
3 It's about pursuing protection items that start
4 house fires and drugs and, you know, human
5 trafficking, all those issues. But this is just
6 an easy one to understand. MP3skull
7 (indiscernible).

8 Well what is the most renown site, I
9 guess, to (indiscernible). It should be the
10 first one, you would think, to pop up if you did
11 that query for (indiscernible). Now they've
12 changed it a little bit, but this pirating
13 outfit, pretty much all they do is -- is power
14 (indiscernible).

15 Now Google complained that, you know,
16 (indiscernible) it's not. My argument as the
17 prosecutor is, you know, if I've got a store
18 selling drugs I'm not just going to shut down one
19 department. I'm going to shut the whole store
20 down. So they say, we'll shut down the
21 (indiscernible) if you tell us. So their MO is
22 you've got to tell us. You've got to feed the
23 machine rather than clean up our site. It's your
24 job to report those.

25 So they offered us something. We got

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1 something out of this meeting, this -- that --
2 I'm glad that we did it and (indiscernible) I
3 would encourage your states as well. They put on
4 the table what's a trusted flag approach and
5 that's a -- that's what the YouTube videos that
6 we plan on and brought to their attention that
7 show things like, you know, how to murder, those
8 kind of things. But they're going to train our
9 people at our place or theirs or whatever and
10 help our people do the notification on them.

11 So I (indiscernible) notify them. I
12 think it's their job to clean it up. Why should
13 we spend our resources; why should government
14 fear their water because they're making money off
15 of this.

16 But to try to -- to reach some
17 agreement with them I put on the table, you know,
18 if -- if the banks take this -- they don't have
19 these protections and immunity under the
20 Communication (Indiscernible) Act like -- you
21 know, the banks just don't have protection. But
22 they'll take this list of this non-profit and
23 they'll cut them off. They won't pay.

24 Why don't you take, you know, that you
25 -- Google (indiscernible) list from one of their

1 associations that says, here's a list of my
2 websites and we cut them off. We delist them.

3 There are other groups that would have
4 the same lists, that they would provide them and
5 they could give them to us and we could give them
6 to them, such as the motion picture association,
7 you know, the recording industry. I know they
8 already do it, but there are others that would do
9 it if we had the list. I said, why don't you
10 take these lists and delist them. They keep
11 saying -- there are no First Amendment -- you're
12 not going. They have no liability to cut them
13 off and if the sites get themselves right then
14 they can come back on.

15 And this is where I'm going to turn it
16 over to Jon because he just flat said in the
17 meeting, you know, give us an answer. And so,
18 Jon, I would ask that you kind of fill in the
19 things I've missed and then get to the point of
20 what their answer was when we kind of put this to
21 them.

22 And the only thing I will mention in
23 case Jon forgets, they -- to their credit they
24 put on the table that they're going to hire 10
25 percent more people to do more work and that's

1 great. They're doing -- you know, they're
2 spending a lot of money. It looks like they're
3 spending huge amounts and they've got a thousand
4 people working on it.

5 But the problem is, is that morning we
6 got this letter from them, we printed out 10
7 sites that had buy what was Percocet online
8 without a prescription. I mean, whatever they're
9 doing is not working. And so we're saying -- you
10 know, Jon was pushing them on demotion. I was
11 pushing them on delisting, and so we're both --
12 you know, they get us in a circle, circular
13 argument about the demotion because it's not
14 working.

15 And so, Jon, I would like for you to
16 step in and kind of explain what else I've missed
17 and then, you know, what their answer was.

18 MR. BRUNING: Well, first of all, I
19 want to say that I very much appreciate my good
20 friend, General Hood (indiscernible) saying.
21 It's meant a lot to all of us, Jim, that you have
22 taken -- you know, carried this load against --
23 on this very important issue.

24 You know, yesterday was pretty
25 frustrating for those of us that were there. It

1 was surprising because the team from Google
2 seemed to have very direct orders from whoever it
3 was up their chain of command to not give an
4 inch.

5 And so I did finally ask them at some
6 point. I mean, we all understand it. We have
7 people work for us. And if we send them into a
8 meeting and say, don't give an inch, that we
9 expect them not to give an inch. And I think
10 what happened when we got into that Google
11 meeting is we had a team from Google that was
12 told, don't give anything.

13 So it was a -- it was a somewhat
14 frustrated meeting. You know, what we're looking
15 for, as I think General Hood has laid out, is
16 that we're looking for, one, Google to do
17 something about sites that in particular make
18 money, make the vast majority or all of their
19 money from stealing music, movies, and other
20 digital counting. There are sites that do
21 nothing but that. That's number one. Do
22 something about it, either demote them, delist
23 them, do something because there is an immense
24 amount in raw numbers of illegal content or -- or
25 of content that is taken illegally, so music

1 that's downloaded without a license, movies that
2 are downloaded without a license without paying
3 for it. There's an immense amount of that.

4 Now Google will tell you, well, only
5 five percent -- only five percent of the searches
6 find that type of content that's -- that's able
7 to be downloaded for free. Well, five percent of
8 a billion searches is a lot of searches. It's a
9 lot of people downloading illegal content --
10 downloading content illegally.

11 So that's the first issue.

12 The second issue is as General Hood
13 mentioned. They have an immense amount of
14 content on their YouTube platform that is just
15 flat out illegal, so how to build a Boston
16 Marathon bomb; how to find an underage
17 prostitute; how to buy Oxycontin without a
18 prescription. They -- all that is on YouTube and
19 Google will say, well, we're trying to take it
20 down. But our stance, as attorney generals, has
21 to be, you can do better. You have to do better.
22 It should not be that readily available.

23 You own a restaurant and if somebody
24 wants to walk in, you know, wearing a Speedo and
25 carrying a bucket of horse crap, you don't have

1 to serve them dinner. And if Google has a
2 platform and you want to -- you know, somebody
3 wants to put a video on there of how to make a
4 fake passport, Google doesn't have to put it up.
5 And if it does get put up, they have a duty to
6 take it down.

7 So we find ourselves at a crossroads
8 where I think we have a couple of options.
9 Litigation, as General Suthers (ph) pointed out
10 yesterday, is a challenge certainly. We would
11 have to find out exactly what our theory is.
12 General Suthers, I think, made a very salient
13 point on that issue, what is our legal cause of
14 action.

15 But we do have secondarily, as General
16 Kilmartin (ph) and I were talking about earlier,
17 we have a significant bully pulpit. As the
18 attorney general of this country we can demand
19 better from companies like Google and a company
20 that's done a lot of good worldwide. But we can
21 demand better from them.

22 And so we have a bully pulpit.
23 Collectively, we have a significant bully pulpit.
24 We could have called, as we were talking about
25 earlier, General, we could have called a press

1 conference yesterday 15 minutes before attorney
2 General Houler (ph) walked in here and we would
3 have had 20 TV cameras to talk to about the fact
4 that Google allows a video on how to make a
5 Boston Marathon bomb readily available on its
6 YouTube site.

7 And perhaps that's our next step. It's
8 either see IDs to understand what kind of ad
9 revenue they're generating from this type of
10 content because they do sell ads right next to
11 it. As we pointed out yesterday, Target, U.S.
12 Olympic Committee and all kinds of stuff is sold
13 right next to how to buy a fake passport or how
14 to make a bomb or buy Oxycontin without a
15 prescription. So they're making money from this
16 -- from this.

17 So our question to -- the question we
18 have to ask ourselves is how do we want to go
19 forward. Is it see IDs or mark consumer
20 protection divisions; is it litigation under the
21 CDA which is quite a challenge as we all know; is
22 it public shaming where we simply say, you need
23 to do the right thing and we're here as arbiters
24 of the public good to make sure you did. That's
25 the question for us collectively.

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1 And, General Hood, I want you to know
2 how much I appreciate your leadership on this
3 issue. I intend to stay engaged on it. I think
4 it's important for consumers in our states. And
5 now we have to decide how to go forward.

6 Thank you.

7 UNIDENTIFIED SPEAKER: Do people of
8 Nebraska frequently go into restaurants wearing
9 Speedos carrying buckets --

10 (Laughter)

11 MR. BRUNING: Well, I would expect
12 (indiscernible) Nebraska restaurant
13 (indiscernible) certainly personally.

14 UNIDENTIFIED SPEAKER: You may have no
15 business left.

16 MR. BRUNING: That's my point. Google
17 --

18 (Laughter)

19 MR. BRUNING: Google needs to just say
20 no when those -- when those people show up on
21 their site and they're not doing it well enough.
22 And they have lots of money. They spent \$500
23 million to settle with Rhode Island and the
24 federal government. And they can certainly
25 figure out how to put more resources. I

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1 appreciate the time and resources they have
2 applied to this, but they certainly can and must
3 do more.

4 UNIDENTIFIED SPEAKER: I just wanted
5 you to know I was listening.

6 (Laughter)

7 MR. BRUNING: I'm just glad you're
8 awake, General.

9 UNIDENTIFIED SPEAKER: Thank you.

10 Any questions for either -- for either
11 of the two generals or comments?

12 Everybody's got planes to catch.

13 Last, but certainly not least, we have

14 --

15 (Recording stopped)

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CERTIFICATION

I, Sherri L. Breach, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Dated: November 4, 2014

AAERT Certified Electronic Reporter & Transcriber CERT*D-397

[& - electronic]

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[encourage - market]

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[matter - speedo]

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[speedos - youtube]

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